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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000293

SIPDIS

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SUBJECT: UNAMI HIGH LEVEL TASK FORCE (HLTF) MEETING FOCUSES
ON CONFIDENCE BUILDING MEASURES

REF: A. A. 09 BAGHDAD 3369
IB. B. 09 BAGHDAD 1928
IC. C. 09 BAGHDAD 1762
ID. D. 09 BAGHDAD 1683

BAGHDAD 00000293 001.2 OF 002

Classified By: Political Counselor Yuri Kim for reasons 1.4 (b) and (d)

I1. (U) SUMMARY: The UNAMI-run High-Level Task Force (HLTF) on disputed internal boundaries (DIBs) met on February 1 and agreed to: 1) order the evacuation of school properties in Kirkuk occupied by political parties; 2) support the establishment of a court of cassation (appellate court) in Kirkuk to speed property dispute adjudication; 3) conduct an assessment of ethnicity, teachers and curricula in educational districts to facilitate instruction in multiple languages; and 4) follow up on a commitment by Kurdish asayish to provide a list of Arabs detained below the Green Line and transferred to KRG prisons. The HLTf does not plan to meet again until after the March 7 elections. As we and UNAMI move forward with enhanced engagement on the normalization phase of Article 140 after elections and during government formation, we will need to consider what role the HLTf might appropriately play. END SUMMARY.

EVACUATION OF SCHOOL PROPERTIES

I2. (C) The HLTf convened on February 1, with SRSG Melkert moderating the discussions. Sadiq Rikabi, advisor to Prime Minister Maliki and Faruq Abullah, former member of the Iraqi Turkoman Front represented the GOI; GOI DPM Rowsch Shaways (Kurdish Democratic Party, KDP) represented the KRG. The discussions focused on CBMs in the DIBs (Kirkuk in particular) and the way ahead following Iraq parliamentary elections. The HLTf decided to publicly call for Iraqi political parties which had occupied public schools in Kirkuk to evacuate those properties and return them to the custody of the GOI's Ministry of Education (MOE). PM Maliki is to send a letter to the Council of Ministers requesting implementation of an order to vacate. Of the properties involved, two are buildings owned by the MOE, one occupied by the Iraq Islamic Party (Sunni) and the other by the Iraqi National Unity Gathering, a Kurdish List, headed by Nahro Mohammed (Sheikh Kasnazani). The other two are MOE school properties which have been distributed by the Kurdistan Patriotic Union (PUK) and KDP to their patrons.

CASSATION COURT FOR KIRKUK AND LAND DISPUTE INITIATIVES

I3. (C) The HLTf agreed to approach the High Judicial Council to expedite request by the Kirkuk Provincial Council to establish a Court of Cassation (appellate court) in Kirkuk. The goal is to expedite adjudication of property dispute

decisions. (Note: As reported ref A, decisions on property disputes may be automatically appealed to a central court of cassation in Baghdad; limited capacity has slowed property adjudications in Kirkuk. End note.) The HLTF also agreed to nominate legal experts to join a UNAMI-facilitated review of property decrees issued by Saddam Hussein's Revolutionary Command Council and Arabization Committee in an effort to determine which of these decrees, if abolished, could help resolve outstanding property disputes.

LANGUAGE EDUCATION RIGHTS

¶14. (C) To support Kurdish language education for Kurds, the HLTF determined that a full assessment of ethnicity, teachers, and curriculum in educational districts was required. A UNICEF expert is meeting with the Iraqi MOE this week; there will be a follow-on meeting of representatives Oweek; there will be a follow-on meeting of representatives from the GOI and KRG ministries of education and Kirkuk provincial ministry of education in the second week of February to decide the next steps.

DETAINEES

¶15. (C) Kirkuk's Sunni Arab community remains concerned about Arab detainees being held in KRG prisons. Kurdish asayish has signaled a willingness to provide a full list of detainees held in KRG prisons by February 4. According to UNAMI, Rowsch Shaways committed to ensure that the asayish cooperates in determining the disposition of Arab detainees in Kurdish detention facilities. The transfer to KRG prison of individuals detained below the Green Line is a significant point of friction in northern Iraq. If implemented, disclosure by the asayish of the names of individuals detained/transferred in such a manner would represent a

BAGHDAD 00000293 002.2 OF 002

significant forward development.

WAY FORWARD

¶16. (C) The HLTF decided to meet after the March 7 national election to develop a plan for action on Arab-Kurd issues, including tangible steps that ministries in the new GOI could take to address areas of concern in the DIBs areas. The HLTF determined that it would continue meeting during the government formation period after elections to continue addressing CBMs.

COMMENT

¶17. (C) The HLTF was established as a forum through which complex DIBs-related issues could be resolved through UNAMI-brokered discussions between the GOI and KRG. Over time, the scope of its activities has diminished, in part because the parties were unable to reach political accommodation on even relatively clear-cut territorial issues such as Makhmur and Hamdaniya. The HLTF has since narrowed its focus to more modest CBMs. As we and UNAMI look to move forward to enhanced engagement on the normalization phase of Article 140 after elections and during government formation, we will need to consider what role the HLTF might appropriately play. END COMMENT.

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